

Amendment No. 1 to HB2619

Watson
Signature of Sponsor

AMEND Senate Bill No. 2669

House Bill No. 2619*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following as a new section:

38-3-124.

(a) If done in accordance with this section, the general assembly in exercising its rights under the Tenth Amendment to the United States Constitution, may by resolution determine and declare a federal statute or regulation to be unconstitutional either on its face or in its application to a particular situation.

(b) A resolution to declare a federal statute or regulation unconstitutional shall state with specificity:

(1) The statute or regulation believed to be unconstitutional; and

(2) The reasons the statute or regulation exceeds the constitutional authority of Congress or the applicable regulatory authority to enact it; or

(3) The reasons the statute or regulation is unconstitutional as it is applied to a particular situation.

(c) A resolution declaring a federal statute or regulation unconstitutional must receive a two-thirds (2/3) affirmative vote of both the Senate and House of Representatives to be effective.

(d) The Speaker of the Senate and Speaker of the House may appoint a committee, either joint or separate, to which resolutions filed

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pursuant to this section are referred to ensure such resolutions do not adversely affect the orderly disposition of business by each house.

(e) Upon receiving a two-thirds (2/3) vote of each house, the chief clerk of the house in which the resolution originated shall transmit a copy of the resolution, electronically if possible, to each state and local law enforcement agency in this state.

(f) Upon receiving a resolution passed by the general assembly in accordance with this section, no law enforcement agency in this state shall assist a federal law enforcement agent or agency in the enforcement of any federal statute or regulation about which a resolution has been adopted by the general assembly pursuant to this section.

(g) A resolution adopted pursuant to this section shall remain in effect until altered or repealed by the same or a subsequent general assembly.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.